



**South Florida Water Management District
Regulatory Peer Review Forum
February 13, 2004
1pm-3pm**

SUMMARY

Attendees:

Jay Foy	Stormwater J Engineering, Inc.
Howard Searcy.....	LBFH, Inc.
Patrick Martin	Lake Worth Drainage District
Ken Todd.....	Palm Beach County
Dan Clark.....	LBFH
Gerry Ward.....	Ward Engineering
Ron Kaufman	Quore Property Sciences
Craig Kidwell	Quore Property Sciences
John Yeend	JS Yeend, Inc.
Hian C. Kor.....	K-F Group
Randy Hillburn.....	Mock Roos & Associates
Jordan Nichols.....	Higgins Engineering
Marc Fermanian	CRJ Associates
Suelynn Dignard.....	SFWMD - Coastal Ecosystems Division
Susan Martin	SFWMD - Office of Counsel
Ashley Foster	SFWMD - Office of Counsel
Anita Bain	SFWMD - Environmental Resource Compliance Division
Maria Clemente	SFWMD - Environmental Resource Compliance Division
Anne Roth	SFWMD - Regulatory Information Management Division
Terrie Bates.....	SFWMD - Environmental Resource Regulation Staff
Damon Meiers.....	SFWMD - Environmental Resource Regulation Staff
Ralph Fanson	SFWMD - Environmental Resource Regulation Staff
Elizabeth Marshall.....	SFWMD - Everglades Stormwater Division

1. Opening remarks and review of previous meeting minutes (Damon Meiers)

Mr. Meiers opened the meeting. Group members commented that the e-transmittal of Forum-related documents was working well.

There were no comments about the minutes of the previous meeting.

Mr. Meiers announced that the pre-application meeting form was finalized and available on the District web site. [See Attachment 1.] Mr. Ward asked about the status of the process for combining all the elements. Mr. Meiers said the meeting requestor's notes would be entered into a database.

Mr. Searcy asked how the lead District people would be identified. Mr. Meiers pointed out that a list of names was in the handout. Mr. Ward asked how the District's notes would become part of the record. Mr. Meiers said the goal was to combine all the notes into a single set which would be entered into the database.

Mr. Foy observed that major agreements (for example, the groundwater table elevation) would have to be well-documented. There was a discussion of the need for people at the proper decision-making level to be present.

Ms. Marshall and Mr. Fanson made a computer-aided presentation about the word-searchable *Volume IV* presently nearing completion. All materials which precede the yellow tab, plus the design examples and the Index, will be word-searchable. Associated figures will not be word-searchable, but since they are cited in text, can be located. The CD face will feature a tan center band and the words "Includes December 2003 Updates". [See Attachment 2.] The word-searchable document will take up considerably less memory than the present version.

2. C-51 Basin Study Update (Sue Lynn Dignard)

Ms. Dignard reported that the final Deliverable #3 was received from TBE and accepted by the District in mid-December. The report is posted on the C-51 web-site.

3. C-51 Basin Rulemaking Update (Damon Meiers)

Mr. Meiers announced the following key dates:

- * March Board: approve initiation of rule development
- * April 29: first public workshop from 9am to 12noon in the Storch Room

He said there were no anticipated major text changes, and distributed copies of the present draft of the strike-through underlined text of Rule 40E-41.263, F.A.C., [See Attachment 3] the only text staff has determined needs amending so far, plus figures 41-8 and 41-9 will be amended.

Mr. Foy observed that the ½ inch dry pretreatment requirement would be extended from just the Western C-51 Basin to the entire C-51 Basin. Mr. Meiers explained that change was made as one way to improve the quality of runoff into the Lake Worth Lagoon.

Mr. Meiers pointed out that, in 40E-41.263(2), F.A.C., the FEMA maps were being deleted. Mr. Nichols said the coastal areas needed those maps. There was a general discussion of FEMA maps in Palm Beach County. It was decided the reference to the FEMA maps would be added back in the rule. There was a general discussion of using a discharge coefficient of 65 throughout the East Basin.

Mr. Todd - in a continuation of a subject raised by Laurent Van Cott at previous meetings - reported that Palm Beach County was contracting with an outside consultant to generate a set of interim discharge coefficients. Mr. Todd proposed to bring the results to the Peer Group. He said the study would take a couple of months. Mr. Searcy suggested the C-51 Study Sub-group might be a better venue for a first presentation. Mr. Todd agreed.

There was a general discussion of how to deal with unbuilt permitted projects or sections of projects.

Mr. Ward asked if there presently was any language in 40E-41 about protecting Lake Worth Lagoon. Mr. Meiers said there was not, but the District wanted to improve the quality of runoff into the Lagoon.

There was a general discussion of dropping dry detention as a method for improving water quality, and of the difficulty small projects in particular would have meeting water quality requirements if dry detention were not allowed.

Mr. Meiers said rulemaking could be initiated as early as the May or June 2004 Governing Board meetings, but that adoption and the consequent effective dates were dependent on when STA 1E met the permit criteria for it.

Mr. Foy said the District should delete the entire C-51 Basin Rule.

There was a general discussion of the process for setting the effective date and the factors which could affect it. Ms. Martin advised that the best approach would be to defer initiating rule-making until the likely date for STA 1E becoming fully operation was known.

Mr. Foy raised concerns about the L-8 Basin. They are presented in Attachment 4, Mr. Foy's February 17 letter to Mr. Fanson. There was discussion that the L-8 Basin was not intended to discharge to the C-51 Basin after STA 1-E was operational. This issue had been discussed previously in many different forums. Mr. Meiers said he would raise the issue again with the Operations staff.

4. Scripps Expedited Permit Update (Damon Meiers)

A new site design by the county came out today. There would be a meeting at the District this afternoon to discuss the design. Pre-application documents are scheduled to be filed about February 27, with agencies meeting in early March.

A letter had gone to the County from District Deputy Executive Director Chip Merriam, in which the District's major requirements were set forth. These include the ability to convey up to 1000 cfs through the Scripps site. Palm Beach County is including a flow way that averages 750 feet wide with a minimum width of 500 feet.

There was a discussion of impacts to the C-18. The District's requirements are basically incorporated in the plan. There was a discussion of the capacities of some elements of the plan. Mr. Ward said he had heard comments that the plan needs more external input.

Scripps would occupy about 100 acres, with the rest of the site devoted to related companies, residential, schools, etc. There was a general discussion of the connection to the adjoining Vavrus property and the North County Airport.

5. Basis of Review Water Quality Treatment Criteria Discussion Related to Sensitive Receiving Water Bodies (Damon Meiers)

The Conservancy of Southwest Florida initiated a challenge of the District's water quality criteria as applied to permits on the West Coast. The consequences will be on-going for some time.

Ms. Bates said the challenge was that the District was not enforcing the present criteria in the ERP BOR. Florida Department of Environmental Protection (DEP) has prepared a list of impaired west coast water bodies. In due time, there will be a similar list for the east coast.

The District has begun meeting with west coast environmental groups to develop additional BMP's which, if adopted through rulemaking, could become presumptive criteria. Mr. Foy named several parameters that would be virtually impossible to deal with if the criteria were not presumptive.

Ms. Bates said a state-wide nutrients standards group was setting values for natural water bodies and canals. There were hopes some guidance on retrofitting for quality might also be produced. There was a general discussion of the term "impaired water body".

Ms. Bates said the District probably would soon both create a Lower West Coast Basin Rule and update District-wide water quality criteria.

There was general discussion of these topics:

- * sources of pollution and the importance of retrofit;
- * possibility of regional retrofit approaches;
- * various devices which might improve water quality and the absence of data about them;
- * pesticides in the Homestead area; and
- * relationship of TMDL's to present (and any proposed) District criteria.

Ms. Bates reported that in January the Governing Board created a Regulatory Committee which will meet as needed to explore regulatory issues in detail.

Ms. Bates reported that staff will resume issuing Standard General ERP's for two CERP areas: the C-51 ASR Study Area and the Lake Okeechobee ASR Study Area.

Ms. Bates reported that a single state-wide ERP e-permitting portal was being developed by DEP and the water management districts. Sources of funding are being sought. There was a discussion of the Corps of Engineers' similar processes and of changing Form 0971.

Ms. Bates announced that the District will be mass-mailing a letter asking for the e-mail addresses of those persons interested in or affected by District permit staff reports, in anticipation of the District being able to distribute the reports electronically. There was a discussion of making old staff reports electronically-accessible, and the attendant funding and staff workload problems.

6. Next Meeting date/topics/adjournment

Mr. Meiers announced that items 2 and 3 on the agenda of this meeting would be combined at the next meeting. Items 4 and 5 would also be on the April 2 agenda.

Mr. Meiers said Alan Hall would attend the April 29 C-51 Basin Rule public workshop.

There was a brief discussion of the public's ability to enter and move around in the Gun Club Road Campus buildings.

In response to a question, Ms. Bates said a discussion about updating the WPA maps should occur at a later time when some of the CERP projects are operational.

The next meeting is scheduled for Friday, April 2, 2004, at 10am in the Rogers Conference Room.

The meeting adjourned at about 2:50pm.

c: H. Dean - Executive Director
C. Wehle - Assistant Executive Director
S. Wood - District General Counsel
C. Merriam - Deputy Executive Director - Water Resources
A. Sewell - Media and Community Relations
T. Bates - Director - ERR
Environmental Resource Regulation Division Directors

SCHEDULING A PRE-APPLICATION MEETING FOR AN ENVIRONMENTAL RESOURCE PERMIT

Pre-Application Review

The regulatory review process can usually be expedited if the applicant elects to participate in a pre-application conference with District engineers and environmental scientists early in the project planning process. A meeting with District staff can help the applicant and the project designers to better understand District rules and regulations, and help District staff understand the project. The District staff can outline procedures to facilitate submittal of a complete application or explain permitting requirements, as needed. Any potential permitting problems could be identified at the meeting.

Information Needed for a Pre-Application Meeting

Depending on the resource issues to be discussed, the applicant (or authorized agent) may need to provide the following information for the proposed project or activities relative to ERP regulation.

1. Geographic references such as Section, Township, Range and Parcel ID (if available).
2. An overview map displaying the section, township, range and project location or parcel ID, if available and/or a detailed map (acceptable maps include tract maps, parcel maps, plats or similar engineering construction drawings, or aerial photography at the plat-tract map scale).
3. The total land area and project area;
4. Existing and proposed topography showing the existing and proposed flow patterns;
5. The location of any on site or adjacent wetlands and other surface waters;
6. The location and details of the existing and proposed surface water management system;
7. A brief narrative describing the proposed construction activity;
8. Construction drawings to illustrate the proposed activities;
9. The history behind any existing SWM or Environmental Resource Permits from the SFWMD within the total land area;
10. Location of impervious surfaces (i.e. buildings, parking areas, etc.), the amount of proposed impervious area and the amount of impervious area to be removed, if any;
11. Soils information;
12. FEMA flood hazard map;
13. Sediment/erosion control plan;
14. Operation and maintenance plan

To Arrange a Pre-application Meeting

1. Fill out the Pre-Application Meeting Request form and e-mail or fax it to the appropriate individual listed on the Pre-Application Meeting Contact list.
2. District staff will contact you by telephone or e-mail to establish a time and place for the meeting.

After the Meeting

1. A summary of the meeting, taken by the applicant, should be submitted to the District for review. If the District feels that the minutes are not accurate, a revised copy will be returned to the applicant for correction. The meeting summary will be kept on file until such time as an application is filed.

The applicant is cautioned that District regulatory rules and criteria can change over time and any guidance given at the pre-application meeting may no longer apply if an application is not filed soon after the pre-application meeting.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

FOR DISTRICT STAFF ONLY:
PREAPP #

X1

PRE-APPLICATION MEETING REQUEST

TO:

FROM:

Date: _____

Name: _____

Phone No.: _____

Email address: _____

PLEASE PROVIDE THE FOLLOWING INFORMATION:

Project Name: _____

New project or permit modification (include permit #): _____

Project Location (County; city; address): _____

A location map and aerial photograph with geographic references should be brought to the meeting or submitted with the request.

SFWMD Basin: _____ Special Drainage District: _____

Section _____/Township _____/Range _____

Parcel ID (if available): _____

PROJECT DESCRIPTION (including project acreage):

Please describe the proposed land use, swm system and receiving system, wetland impacts.

SPECIFIC CONCERNS/ISSUES:

This information will help to make the meeting more productive and will assist in determining whether other District units should participate (i.e. CERP, right-of-way, water use, land stewardship).

	YES	NO
Are there historic basin storage/floodplain issues?	<input type="checkbox"/>	<input type="checkbox"/>
Does this project discharge into or is it in close proximity to an OFW Aquatic Preserve?	<input type="checkbox"/>	<input type="checkbox"/>
If YES Please name: _____		
Does the site contain wetlands or other surface waters?	<input type="checkbox"/>	<input type="checkbox"/>
Has district staff performed a wetland determination?	<input type="checkbox"/>	<input type="checkbox"/>
If YES Please provide name of staff person and date: _____		
If NO Would you like to request one now?		
	<input type="checkbox"/>	<input type="checkbox"/>
Does the site contain or is it adjacent to state-owned sovereign submerged lands?	<input type="checkbox"/>	<input type="checkbox"/>

List all persons and/or the total number who plan to attend the meeting and their affiliation:

This will help us reserve the appropriate size conference room.

_____	_____
_____	_____

sfwmd.gov

Pre-Application Meeting Contact List

Surface Water/Engineering	
Broward, Miami-Dade, Monroe and southern Palm Beach counties	Carlos deRojas Phone: 561-682-6505 Fax: 561-682-6896 Email: cderojas@sfwmd.gov
Charlotte, Collier, Glades south of Fisheating Creek, Hendry and Lee counties	Ricardo Valera Phone: 239-338-2929 ext. 7719 Fax: 239-338-2936 Email: rvalera@sfwmd.gov
Glades north of Fisheating Creek, Highlands and Okeechobee counties	Rett Thompson Phone: 863-462-5260 ext. 3005 Fax: 863-462-5269 Email: rethomps@sfwmd.gov
Martin, northern Palm Beach, and St. Lucie counties	Hugo Carter Phone: 561-682-2710 Fax: 561-682-6896 Email: hcarter@sfwmd.gov
Orange, Osceola and Polk counties	Ed Yaun Phone: 407-858-6100 ext. 3824 Fax: 407-858-6121 Email: eyaun@sfwmd.gov
Wetlands, including Wetland Delineations	
Broward, Miami-Dade, Monroe and Palm Beach counties	Ed Cronyn Phone: 561-682-6946 Fax: 561-682-6896 Email: ecronyn@sfwmd.gov
Charlotte, Collier, Glades south of Fisheating Creek, Hendry and Lee counties	Ross Morton Phone: 239-338-2929 ext. 7725 Fax: 239-338-2936 Email: rmorton@sfwmd.gov
Highlands, Martin, Okeechobee, and St. Lucie counties	Don Medelli Phone: 561-682-6340 Fax: 561-682-6896 Email: dmedelli@sfwmd.gov
Local contact for Glades north of Fisheating Creek, Highlands and Okeechobee counties	Don Medelli Phone: 561-682-6340 Fax: 561-682-6896 Email: dmedelli@sfwmd.gov
Orange, Osceola and Polk counties	Marc Ady Phone: 407-858-6100 ext. 3803 Fax: 407-858-6121 Email: mady@sfwmd.gov

**SOUTH FLORIDA
WATER MANAGEMENT DISTRICT**



Environmental
Resource Regulation
Department

Includes
December 2003
Updates

Environmental Resource
**PERMIT INFORMATION
MANUAL** Volume IV

2003-2004

2-13-04 DRAFT

40E-41.263 — Conditions for Issuance of Environmental Resource and Surface Water Management Permits in the C-51 Basin.

The following criteria shall apply:

(1)(a) The allowable discharge shall be based upon the post development discharge rate not exceeding the ~~pre-development discharge rate~~ as depicted in Figure 41-8 during a design storm of a 10-year 3-day duration. ~~The allowable as depicted on Figure 41-8. Pre-development discharge rate shall be calculated by the formula:~~

$$Q = C_e \times (A/640) \quad C_{\text{sub-e}} \times A/640$$

Where Q = allowable flow in cubic feet per second (cfs); A = ~~p~~Project size in acres; C_e ~~sub-e~~ = discharge coefficient under design ~~existing/present~~ conditions

(b) This criteria is not intended to limit inflows to the C-51 Canal to the rates specified in subsection (a) above during non-flood conditions. Discharge capacity ~~up to 27 cfs~~ during non-flood conditions shall be considered on a case-by-case basis pursuant to the "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District" (Basis of Review), incorporated by reference criteria in Rule 40E-4.091(1)(a), Florida Administrative Code, (Basis of Review) and Rule 40E-4.301, Florida Administrative Code, (Conditions for Issuance).

(2) Finished building floor elevations shall be above the more ~~most~~ restrictive of the following:

(a) the 1 in 100-year 3-day storm elevations as determined by peak flood stages in ~~of~~ the C-51 Basin as depicted in ~~on the attached~~ Figure 41-9, or

~~(b) the Federal Flood Insurance Rate Map, or~~

~~(b) (c)~~ the on-site stage created by a 100-year 3-day storm event assuming no off-site discharge.

(3) No net encroachment into the floodplain shall be allowed. Any water storage volume removed from the floodplain must be accommodated by an equal volume of open storage compensation. Water storage volume shall be computed by utilizing Figure 41-9. For the purposes of this part, the minimum volume of water which must be accommodated ~~on-site~~ shall be that quantity equal to the volume of water stored below the level shown in ~~on~~ Figure 41-9 and above the existing grades. Compensation for any reduction in soil storage also shall be accommodated ~~on-site~~.

(4) All criteria in the Basis of Review which is incorporated and ~~adopted by reference in Florida Administrative Code Rule 40E-4.091, F.A.C., (Environmental Resource Permits; Publications, Rules and Interagency Agreements Incorporated by Reference).~~ (Surface Water Management, Publications Incorporated by Reference).

(5) Projects located within the Western C-51 Basin ~~described in Florida Administrative Code Rule 40E-41.223, (Western C-51 Basin Boundary),~~ shall provide one half inch of dry retention/detention pretreatment as part of the required retention/detention.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.413, 373.416 FS. History — New 5-15-87,_____.



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(561) 242-0028
Fax 242-0109

February 17, 2004

Ralph Fanson, P.E.
Senior Engineer
SFWMD
P.O. Box 24680
West Palm Beach, FL 33416-4680

**RE: SFWMD Peer Review Forum
SJE Project # 97030**

Dear Ralph,

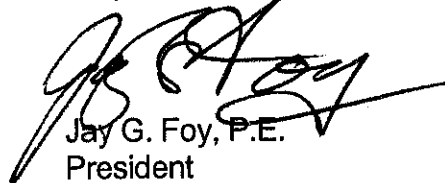
Pursuant to your request I have penned the statement I made at the peer review forum meeting of February 13, 2004 below. You had left the room and were unable to record this part of the minutes.

On behalf of Indian Trail Improvement District we have concerns about the future operations in the West C-51 Basin. These concerns will continue until after the L-8 Basin water management issues are resolved. An L-8 Basin plan and the commensurate infrastructure must be in place to quell these concerns. The L-8 Basin was excluded from the Everglades settlement noting that the water management system must be accounted for in a separate initiative. The permitted discharges the applicants have are a vested right and the SFWMD would honor those rights. However, the West C-51 Plan calls for increased stages in the West C-51 Basin. Currently the major discharge route from the L-8 Basin is through S5A-E to the C-51 Canal. This gated culvert structure is very limited in capacity and during non storm conditions the head across the pipe will be diminished. This will therefore potentially reduce the ability of the SFWMD to recover stages between storms in the L-8 Basin. Please remember the L-8 Basin water is not supposed to be routed through STA-1E. ITID's currently permitted peak allowable discharge rate of $\frac{1}{4}$ "/day is inadequate. ITID needs 1"/day. ITID currently relies heavily upon its MOU for conditional (off peak) discharges. This foreseen restriction in recovery of L-8 stages may impact ITID's ability to have conditional discharges. I also believe that Palm Beach County should have the same concerns for the other developed areas. A large portion of the Northern L-8 Basin is land preserved for environmental purposes (Dupuis and J.W. Corbett) and this should not have much impact on them, however, hydroperiods may be extended which could kill upland species. The SFWMD could choose to operate the system in an interim manner which keeps or improves the flood protection in the L-8 Basin but some compromises in

discharges through to STA-1E and/or the Lake Worth Lagoon may be necessary. As a result of the above, the Indian Trail Improvement District **may** object to the closing of the S-155A structure when the West C-51 project is complete until such time that the necessary infrastructure is in place to serve the L-8 Basin needs.

Please call should you have any questions regarding the above.

Very truly yours,



Jay G. Foy, P.E.
President

JGF/lam

c: R. Desantis M. Scheiner
G. Goforth C. Schoech
B. Howard G. Schriener
P. Moczynski R. Unsell
E. Oppel M. Voich
A. Pankow P. Walker